

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DEONTRAY WILLIAMS,
Plaintiff,
v.
JENNIFER BENAVIDEZ, et al.,
Defendants.

No. 2:23-cv-0905 CSK P

ORDER LIFTING STAY AND ORDER TO
SHOW CAUSE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. As discussed below, the Court lifts the stay of this action and orders the parties to show cause why this case should not be re-set for settlement conference pursuant to the Post-Screening ADR (Alternative Dispute Resolution) Project.

Plaintiff's Complaint

Plaintiff, a transgender woman, alleges that on October 18, 2022, while a psychiatric inpatient at California Medical Facility, defendants Yang, Juerz, Regal, Ramos, Sypraseuth, and Johnson entered plaintiff's cell for no legitimate penological reason, took plaintiff to the ground, handcuffed plaintiff, then laid plaintiff on the bed and repeatedly punched plaintiff to the head and body, using unnecessary and excessive force in violation of the Eighth Amendment.¹ (ECF

¹ Plaintiff's retaliation claims were dismissed without prejudice on July 21, 2024. (ECF No. 10.)

Nos. 1, 6 at 3-4 (screening order)). In addition, plaintiff alleges that defendant Yang cut plaintiff's left eye open with Yang's knife. (ECF No. 1 at 5).

Background

On July 21, 2023, service of process was ordered on defendants. (ECF No. 10.) Service was returned unexecuted as to defendants Juerz and Regal. (ECF No. 15.) On September 28, 2023, waivers of service of summons were filed for the remaining defendants. (ECF No. 18.)

On October 31, 2023, this action was referred to the Post-Screening ADR Project and set for settlement conference before Magistrate Judge Jeremy D. Peterson. (ECF Nos. 22, 25). However, on February 29, 2024, this case was stayed pending resolution of plaintiff's subsequently filed action, Williams v. Webb, No. 2:23-cv-2689 DC SCR (E.D. Cal.), in which plaintiff was represented by counsel. (ECF No. 28.) On December 18, 2024, in No. 2:23-cv-2689 DC SCR, the parties filed a joint notice of settlement and a stipulation for voluntary dismissal with prejudice. Id. (ECF Nos. 38, 39.)

Discussion

In light of the resolution of plaintiff's other action, No. 2:23-cv-2689 DC SCR, the stay of this action is lifted. The parties are granted twenty-one days in which to show cause why this action should not be rescheduled for a settlement conference before Magistrate Judge Jeremy D. Peterson.

Accordingly, IT IS HEREBY ORDERED that:

1. The stay of this action (ECF No. 28) is lifted.
2. Within twenty-one days from the date of this order, the parties shall show cause why this action should not be re-set for settlement conference before Magistrate Judge Jeremy D. Peterson pursuant to the Post-Screening ADR Project (ECF No. 22).

Dated: January 6, 2025


CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE